

## SUBCOMMITTEE: SUBCOMMITTEE #2

## HOUSE BILL NO. 2108

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Bell, Richard P.)

A BILL to amend and reenact §§ 63.2-902 and 63.2-904 of the Code of Virginia, relating to foster care agreements; rights of foster parent; dispute resolution.

**Be it enacted by the General Assembly of Virginia:****1. That §§ 63.2-902 and 63.2-904 of the Code of Virginia are amended and reenacted as follows:****§ 63.2-902. Agreements with persons taking children.**

A. Every local board and licensed child-placing agency shall, with respect to each child placed by it in a foster home or children's residential facility, enter into a written agreement contained in an approved foster care policy with the head of such home or facility, which agreement shall provide that ~~the~~:

1. The authorized representatives of the local board or agency shall have access at all times to such child and to the home or facility, and that the head of the home or facility will release custody of the child so placed to the authorized representatives of the local board or agency whenever, in the opinion of the local board or agency, or in the opinion of the Commissioner, it is in the best interests of the child;

2. The local board or licensed child-placing agency shall (i) treat the foster parent with trust, respect, and consideration; (ii) allow the foster parent to adhere to his own family values, traditions, and beliefs so long as the values and beliefs of the foster child and the birth family are not infringed upon and consideration is given to the special needs of children who have experienced trauma and separation from their families; (iii) explain to the foster parent the responsibilities and expectations of the foster parent and other members of the foster care team, including representatives of the local board and the child's birth family; (iv) request input from the foster parent concerning the child's needs and consider such input when developing an ongoing service plan for the child; (v) to the extent permitted under federal and state law, allow the foster parent to communicate with professionals who work directly with the foster child.

including therapists, physicians, and teachers; (vi) provide the foster parent with a method to contact the local board or licensed child-placing agency for assistance 24 hours a day, seven days a week; (vii) provide pre-service and ongoing training to the foster parent; and (viii) timely provide the foster parent with allowable reimbursements for costs associated with foster care services;

3. The foster parent shall be permitted, without threat of reprisal, to (i) refuse the placement of a child in his home and request, upon reasonable notice to the local board or licensed child-placing agency, the removal of a child from the foster parent's home and (ii) request a period of respite in which no foster children are placed in the home upon reasonable notice to the local board or licensed child-placing agency;

4. The local board or licensed child-placing agency shall provide to the foster parent (i) prior to placing a child in the foster home or, in the case of an emergency placement, as soon as practicable, all reasonably ascertainable background, medical, and psychological records of the child and (ii) on an ongoing basis, (a) all information relevant to the child's foster care services and (b) copies of all documents in the foster home's record that relate to the foster parent, his family, and services provided in such foster home;

5. The local board or licensed child-placing agency shall provide timely notice to the foster parent of (i) court hearings and other scheduled meetings concerning the child's foster care services, including the date and time of such hearings and meetings and other relevant information; (ii) decisions made by the court, local board, or licensed child-placing agency concerning the child's foster care services; (iii) changes to the child's case plan or termination of the child's placement, along with the reasons for such changes or termination; and (iv) upon request of the foster parent, any information in the local board or licensed child-placing agency's possession regarding the child's progress after leaving foster care, provided that the distribution of such information is in the best interests of the child; and

6. Provided that all options for placement with a relative have been explored, the foster parent of a child shall be considered (i) as a potential adoptive parent for the child upon the child's becoming eligible for such adoption and (ii) as a placement option when a child who was formerly placed with such foster parent reenters foster care.

53        B. Local boards and licensed child-placing agencies shall implement and publicize a dispute  
54 resolution process through which a foster parent may contest an alleged violation by the local board or  
55 licensed child-placing agency of any provision set forth in subsection A. Prior to filing a complaint through  
56 such dispute resolution process, the foster parent shall contact the family services specialist assigned to  
57 the foster home, provide a detailed description of the conduct constituting the alleged violation of  
58 subsection A, and attempt to resolve the dispute. Family services specialists shall respond within five  
59 business days and explain any corrective action to be taken in response to the foster parent's complaint. If  
60 the foster parent and family services specialist are unable to resolve the complaint informally, the foster  
61 parent may file a written complaint through the dispute resolution process with the local board's foster  
62 care supervisor or assigned designee. The complaint shall include a detailed description of the conduct  
63 constituting the alleged violation of subsection A, along with any other information required by  
64 Department regulation. The foster care supervisor or assigned designee shall respond to the complaint in  
65 writing within five business days, setting forth all findings regarding the alleged violation and any  
66 corrective action to be taken.

67        If the foster parent disagrees with the findings or corrective actions proposed by the foster care  
68 supervisor or assigned designee, the foster parent may appeal the decision to the local director by filing a  
69 written notice of appeal. The notice of appeal shall include a detailed description of the conduct  
70 constituting the alleged violation of subsection A, a copy of the foster care supervisor or assigned  
71 designee's findings and recommendations, and any other information required by Department regulation.  
72 The local director shall hold a meeting between all parties within seven business days to gather any  
73 information necessary to determine the validity of the alleged violation of subsection A and the  
74 appropriateness of any recommendations for corrective action made by the family services specialist and  
75 foster care supervisor or assigned designee. A summary of the meeting shall be documented in writing by  
76 the family services specialist after approval by the foster care supervisor or assigned designee. Following  
77 such meeting and documentation, the local director shall issue to all parties written findings and, when  
78 applicable, recommendations for corrective action.

**§ 63.2-904. Investigation, visitation, and supervision of foster homes or independent living arrangement; removal of child.**

A. Before placing or arranging for the placement of any such child in a foster home or independent living arrangement, a local board or licensed child-placing agency shall cause a careful study to be made to determine the suitability of such home or independent living arrangement, and after placement shall cause such home or independent living arrangement and child to be visited as often as necessary to protect the interests of such child. Home studies by local boards shall be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department.

B. Every local board or licensed child-placing agency that places a child in a foster home or independent living arrangement shall maintain such supervision over such home or independent living arrangement as shall be required by the standards and policies established by the Board.

C. Whenever any child placed by a local board or licensed child-placing agency and still under its control or supervision is subject, in the home in which he is placed, to unwholesome influences or to neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall cause the child to be removed from such home and shall make for him such arrangements as may be approved by the Commissioner. Notwithstanding any other provision of law, the Commissioner shall have the authority to place, remove, or direct the placement or removal of any child who is under the supervision and control of a local board or licensed child-placing agency. Pursuant to such authority, the Commissioner shall remove or direct the removal of any child placed by a local board or licensed child-placing agency in a foster home or children's residential facility that fails to comply with any state or federal requirements intended to protect the child's health, safety, or well-being.

D. Consistent with the reasonable and prudent parent standard defined in 42 U.S.C. § 675(10)(A), caregivers for children in foster care shall support normalcy for such children. The Board shall adopt regulations to assist local boards and licensed child-placing agencies in carrying out practices that support careful and sensible parental decisions that maintain the health, safety, and best interest of the child while at the same time encouraging his emotional and developmental growth.